

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO PETERSON,

Defendant.

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Case No. 1:08-cr-29

OPINION & ORDER
[Resolving Doc. [52](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Mario Peterson pleaded guilty to one count of aiding and abetting in the interference with commerce by threats or violence, in violation of 18 U.S.C. §§ 1951(a) and 2; two counts of carjacking, in violation of 18 U.S.C. § 2119(1); and one count of using a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c).¹

On September 9, 2008, the Court imposed a 324-month prison sentence.² The Sixth Circuit affirmed the sentence.³

On May 16, 2022, Defendant filed a *pro se* motion titled “Post-Conviction Relief Petition.”⁴ The motion is hard to understand.

The Court does not reach the merits. In this case, “[t]he defendant's conviction has long been final, and a district court may modify a defendant's sentence only as permitted by statute.”⁵ And, “[a] criminal defendant who ‘wishes to challenge the imposition of his

¹ Doc. 50.

² Doc. 36.

³ Doc. 50.

⁴ Doc. 52.

⁵ *United States v. Phillips*, No. 04-cr-42, 2013 WL 5675543, at *2 (E.D. Tenn. Oct. 17, 2013) (citing *United States v. Ross*, 245 F.3d 577, 586 (6th Cir.2001)).

Case No. 1:08-cr-29
GWIN, J.

sentence ... must file a § 2255 [habeas] motion to vacate the sentence.'"⁶ But that § 2255 relief is not obviously available to Defendant since the one-year time-bar for filing a habeas petition⁷ has passed.

Accordingly, the Court **DENIES** Defendant Peterson's motion.

IT IS SO ORDERED.

Dated: June 3, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ *Id.* (quoting *King v. Thoms*, 54 F. App'x 435, 437 (6th Cir.2002)).

⁷ 28 U.S.C. § 2255(f).